

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0303

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1), lines 5-6, "contains' through "with" was not published in the Register. Was this language added post-publication due to public comments? Why does this additional language not constitute a "substantial change?"

In (5), line 20, consider replacing "one" with "any."

In (6), line 37, the cited Rule doesn't exist. Section .0400 covers "Acid Rain Procedures." Did you intend to say "the rules of Section .0500 of this Subchapter?"

On pg. 2, (7), line 1, "15A NCAC 02Q .0500" should be replaced with "the rules of Section .0500 of this Subchapter."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0303 is amended with changes as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0303 DEFINITIONS**

4 For the purposes of this Section, the following definitions apply:

5 ~~(1)~~ "Complete application" means an application that contains all information required by statute,
6 regulation, and application form, consistent with ~~[is administratively complete, as defined in]~~ G.S.
7 143-213, and provides all information necessary to determine compliance with all applicable federal
8 and State requirements.

9 ~~(1)(2)~~ "Modified facility" means a modification of an existing facility or source and:

- 10 (a) the permitted facility or source is being modified in such a manner as to require a new or
11 reissued permit pursuant to this Section; or
12 (b) a new source is being added in such a manner as to require a new or reissued permit
13 pursuant to this Section.

14 A modified facility does not include a facility or source that requests to change name or ownership,
15 construction or test dates, or reporting procedures.

16 ~~(2)(3)~~ "New facility" means a facility that is receiving a permit from the Division for construction and
17 operation of an emission source that it is not currently permitted.

18 ~~(3)(4)~~ "Plans and Specifications" means the completed application and any other documents required to
19 define the operating conditions of the air pollution source.

20 ~~(4)(5)~~ "Responsible official" means one of the following:

- 21 (a) for a corporation: a president, secretary, treasurer, or vice-president of the corporation who
22 is in charge of a principal business function; any other person who performs similar policy
23 or decision-making functions for the corporation; or a duly-authorized representative of
24 such a person if the representative is responsible for the overall operation of one or more
25 manufacturing, production, or operating facilities applying for or subject to a permit and
26 either;
27 (i) the facilities employ more than 250 persons or have gross annual sales or
28 expenditures exceeding twenty-five million dollars (\$25,000,000) (in second
29 quarter 1980 dollars); or
30 (ii) the delegation of authority to such representatives is approved in advance by the
31 permitting authority;
32 (b) for a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
33 (c) for a municipality, State, federal, or other public agency: either a principal executive officer
34 or ranking elected official. A principal executive officer of a federal agency includes the
35 chief executive officer having responsibility for the overall operations of a principal
36 geographic unit of the agency (e.g., a Regional Administrator of EPA).

37 ~~(5)(6)~~ "Title IV source" means a source that is required to be permitted pursuant to 15A NCAC 02Q .0400.

1 ~~(6)(7)~~ "Title V source" means a source that is required to be permitted pursuant to 15A NCAC 02Q .0500.

2
3 *History Note:* *Authority G.S. 143-213; 143-215.3(a)(1);*
4 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
5 *becomes effective, whichever is sooner;*
6 *Eff. July 1, 1994;*
7 *Readopted Eff. April 1, ~~2018-2018~~;*
8 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
9 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*
10 *Protection Agency has approved the amended rule into the North Carolina State Implementation*
11 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)*
12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0304

DEADLINE FOR RECEIPT: April 11, 2025

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(4)(A), line 20, how does the Commission determine if the applicant is “financially qualified?”

In (b)(4)(B), how does the Commission determine whether the applicant has “substantially complied” with an emission standard or is in “substantial compliance” with applicable laws and rules? Please cross-reference other rules or laws they may provide a definition or application of these terms.

In (d), line 29, and (e), line 35, replace “may” with “shall.”

On pg. 2, in (i), lines 11-12, did you intend to cite “15A NCAC 02Q .0203” instead of “.0200”? If not, “.0200” should be replaced with “the rules of Section .0200 of this Subchapter.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0304 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0304 APPLICATIONS**

4 (a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and
5 shall be filed according to 15A NCAC 02Q .0104.

6 (b) Information to accompany application. Along with ~~filing a complete application form, the applicant shall also file~~
7 the completed applicable application forms, the application shall contain the following:

8 (1) for a new facility or an expansion of existing facility, a zoning consistency determination according
9 to G.S. 143-215.108(f) that:

10 (A) bears the date of receipt entered by the clerk of the local government; or

11 (B) consists of a letter from the local government indicating that zoning or subdivision
12 ordinances are met by the facility;

13 (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and
14 proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113;

15 (3) for permit renewal, an emissions inventory that contains the information specified pursuant to 15A
16 NCAC 02D .0202 using emission inventory forms or electronic data systems provided by the
17 Division; and

18 (4) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if this
19 information is necessary to evaluate the source, its air pollution abatement equipment, or the facility:

20 (A) the applicant is financially qualified to carry out the permitted activities; or

21 (B) the applicant has substantially complied with the air quality and emissions standards
22 applicable to any activity in which the applicant has previously been engaged, and has been
23 in substantial compliance with federal and State environmental laws and rules.

24 (c) When to file application. For sources subject to the requirements of 15A NCAC 02D .0530 or .0531, applicants
25 shall file air permit applications no less than 180 days before the projected construction date. For other sources,
26 applicants shall file air permit applications no less than 90 days before the projected date of construction of a new
27 source or modification of an existing source.

28 (d) Permit renewal, name, or ownership changes with no modifications. If no modification has been made to the
29 originally permitted source, application for permit change may be made by application to the Director as specified in
30 15A NCAC 02Q .0104. The permit renewal, name, or ownership change application shall state that there have been
31 no changes in the permitted facility since the permit was last issued.

32 To make a name or ownership change, the applicant shall send the Director the content specified in 15A NCAC 02Q
33 .0305(3) or (4) signed by the responsible official as defined in 15A NCAC 02Q .0303.

34 (e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting
35 procedures may be made by letter to the Director as specified in 15A NCAC 02Q .0104. To make changes in
36 construction or test dates or reporting procedures, the applicant shall send the Director the letter specified in 15A
37 NCAC 02Q .0305(5) signed by the responsible official as defined in 15A NCAC 02Q .0303.

1 (f) When to file applications for permit renewal. Applicants shall file applications for renewals as specified in 15A
2 NCAC 02Q .0104 no less than 90 days before expiration of the permit. If a hard copy of the application is mailed to
3 the Director, the application shall be postmarked no later than 90 days before expiration of the permit.

4 (g) Name or ownership change. The permittee shall file requests for permit name or ownership changes when the
5 permittee is aware of the name or ownership change.

6 (h) Requesting additional information. Whenever the information provided on the permit application forms does not
7 adequately describe the source or its air cleaning device, the Director may request that the applicant provide other
8 information to evaluate the source or its air cleaning device. Before acting on a permit application, the Director may
9 request information from an applicant and conduct an inquiry or investigation to determine compliance with standards.

10 (i) Application fee. With the exceptions specified in 15A NCAC 02Q .0203(i), ~~.0203(l)~~, a non-refundable permit
11 application processing fee shall accompany the application. The permit application processing fees are listed in 15A
12 NCAC 02Q .0200. ~~A permit application shall be incomplete until the permit application processing fee is received.~~

13 (j) Correcting submittals of incorrect information. An applicant shall have a continuing obligation to submit relevant
14 facts pertaining to his or her permit application and to correct incorrect information in his or her permit application.

15 (k) Retaining copy of permit application package. The applicant shall retain during the permit term one complete
16 copy of the application package and the information submitted in support of the application package.

17
18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*

19 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is*
20 *effective, whichever is sooner;*

21 *Eff. July 1, 1994;*

22 *Amended Eff. September 1, 2015; January 1, 2009; December 1, 2005; July 1, 1999;*

23 *Readopted Eff. April 1, 2018;*

24 *Amended Eff. September 1, 2023.*

25 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
26 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*
27 *Protection Agency has approved the amended rule into the North Carolina State Implementation*
28 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0305

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1)(a), line 7, please cite "15A NCAC 02Q .0203" instead of ".0200."

On line 8, add a space between "to" and "15A."

On line 9, add a comma after "(2)."

In (e), line 12, is "and submitted" necessary? You already stated the forms shall be submitted in the opening paragraph. Also, in line 13, consider replacing "the" with "a."

In (4), line 19, please cite "15A NCAC 02Q .0203" instead of ".0200?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0305 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT**

4 If an applicant does not submit the following information with the application package, the application package shall
5 be considered incomplete ~~for processing~~, and not accepted by the Division for processing:

- 6 (1) for new facilities and modified facilities:
- 7 (a) an application fee required pursuant to 15A NCAC 02Q .0200;
- 8 (b) a zoning consistency determination required pursuant to 15A NCAC 02Q .0304(b)(1);
- 9 (c) the documentation required pursuant to 15A NCAC 02Q .0304(b)(2) if required;
- 10 (d) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q
- 11 .0507(d)(3), if required; and
- 12 (e) ~~applications~~ application forms required and submitted pursuant to 15A NCAC 02Q
- 13 .0304(a) and signed by the responsible official;
- 14 (2) for renewals: the application required pursuant to 15A NCAC 02Q .0304(a) and (d), signed by the
- 15 responsible official, and an emissions inventory that contains the information specified pursuant to
- 16 15A NCAC 02D .0202, Registration of Air Pollution Sources;
- 17 (3) for a name change: a letter signed by the responsible official indicating the current facility name,
- 18 the date on which the name change will occur, and the new facility name;
- 19 (4) for an ownership change: an application fee required pursuant to 15A NCAC 02Q .0200 and:
- 20 (a) a letter signed by the seller and the buyer, indicating the change;
- 21 (b) a letter bearing the signature of both the seller and buyer, containing a written agreement
- 22 with a specific date for the transfer of permit responsibility, coverage, and liability between
- 23 the current and new permittee; or
- 24 (c) submit the form provided by the Division pursuant to 15A NCAC 02Q .0104; and
- 25 (5) for corrections of typographical errors; changes in name, address, or telephone number of the
- 26 individual identified in the permit; changes in test dates or construction dates; or similar minor
- 27 changes: a letter signed by the responsible official describing the proposed change and explaining
- 28 the need for the proposed change.
- 29

30 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*
31 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
32 *becomes effective, whichever is sooner;*
33 *Eff. July 1, 1994;*
34 *Amended Eff. December 1, 2005; April 1, 2004;*
35 *Readopted Eff. April 1, 2018;*
36 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
37 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*

Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.); September 1, 2023.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0312

DEADLINE FOR RECEIPT: April 11, 2025

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), lines 4 and 6, what are the "schedules of this Paragraph?" Why is the last sentence of "(a)" not located in "Paragraph (b)" if the schedules "only apply" to permit modifications in (b).

In (a)(1), line 11, replace "(F)" with "(E)."

On pg. 2, (3), line 33, replace "(F)" with "(E)."

In (3)(A), line 34, add a comma after "application."

On pg. 4, line 12, what is the meaning of "The days that fall between...shall not counted in the schedules?" What "schedules" are you referring to and where are they found?

In (b), line 17, I don't see the word "schedule" in Paragraph (b). Are you referring to "timelines" or "deadlines" that are referenced?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0312 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE**

4 (a) The Division shall adhere to the ~~following schedule~~ schedules of this Paragraph for processing applications for
5 ~~permits, permit modifications, permits and permit renewals renewals:~~ submitted pursuant to this Section. The
6 schedules of this Paragraph shall only apply to applications for permit modifications as specified in Paragraph (b) of
7 this Rule.

8 (1) ~~for For permit applications, except for applications that do not require review for~~ prevention of
9 significant deterioration pursuant to 15A NCAC 02D .0530 ~~and or~~ case-by-case maximum
10 achievable control technology pursuant to 15A NCAC 02D .1109 or ~~1112~~ .1112, the Division shall
11 follow the procedures of Parts (a)(1)(A) through (F) of this Rule.

12 (A) Within 10 days of receiving an application, the ~~The~~ Division shall send the applicant
13 written acknowledgment of receipt of the permit ~~application~~ application. The
14 acknowledgement letter shall also state whether the application is accepted for processing.
15 Applications containing the minimum processing elements of 15A NCAC 02Q .0305 shall
16 be accepted for processing. If the application does not contain the minimum processing
17 elements of 15A NCAC 02Q .0305, the acknowledgement letter shall state to the applicant
18 within 10 days of receipt of the application, that the application is not accepted for
19 processing and shall list the application elements of 15A NCAC 02Q .0305 that are missing
20 from the application package.

21 (B) For applications accepted for processing by the Division pursuant to Part (a)(1)(A) of this
22 Rule, the ~~The~~ Division shall review all permit applications within 45 days of receipt of the
23 application to determine whether the application if it is a complete application, or
24 incomplete for processing purposes. Within 45 days of receiving the application, The the
25 Division shall notify the applicant in writing that:

- 26 (i) the application as submitted is ~~complete and complete,~~ specifying the
27 completeness ~~date, date;~~
- 28 (ii) the application is incomplete, requesting additional information necessary to
29 make the application complete, and specifying the ~~deadline~~ date by which the
30 requested information ~~is to shall~~ be received by the ~~Division,~~ Division to deem
31 the application complete; or
- 32 (iii) the application is ~~incomplete~~ incomplete, requesting that the applicant rewrite and
33 resubmit the application.

34 If the Division does not notify the applicant in writing within 45 days of receipt of ~~the an~~
35 accepted application that the application is incomplete, the application shall be deemed
36 complete. A completeness determination shall not prevent the Director from requesting
37 additional information ~~at a later date~~ later in the review process if such information is

necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional ~~information~~, information pursuant to Subpart (ii) of this Part, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

~~(C)~~ ~~The Division shall determine within 45 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. The Division shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.~~

~~(D)~~(C) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

~~(E)~~(D) If the draft permit is required to go to public notice with ~~a~~ an request for opportunity to request a for public hearing pursuant to 15A NCAC 02Q .0306(a), the Director shall:

- (i) ~~send~~ publish the draft permit ~~to~~ for public notice within 90 days after receipt of a complete application; and
- (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.

~~(F)~~(E) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0306 or .0307, ~~.0307(e)~~, the Director shall:

- (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
- (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.

(2) ~~for~~ For permit applications for prevention of significant deterioration pursuant to 15A NCAC 02D .0530, the processing schedules are set out in that Rule.

(3) ~~for~~ For permit applications for case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or ~~.1112~~ .1112 that are not permit modification applications, the processing schedules and procedures of Parts (A) through (E) of this Subparagraph shall apply.

(A) Within 10 days of receiving an application the ~~The~~ Division shall send the applicant written acknowledgment of receipt of the permit ~~application~~ application. The acknowledgement letter shall also state whether the application is accepted for processing. Applications containing the minimum processing elements of 15A NCAC 02Q .0305 shall be accepted

1 for processing. If the application does not contain the minimum processing elements of
2 15A NCAC 02Q .0305, the acknowledgement letter shall state to the applicant within 10
3 days of receipt of the application, that the application has not been accepted for processing
4 and shall list the application elements of 15A NCAC 02Q .0305 that are missing from the
5 application package.

6 (B) For applications accepted by the Division pursuant to Part (A) of this Subparagraph, the
7 The Division shall review all permit applications within 45 days of receipt of the
8 application to determine whether the application if it is a complete application, or
9 incomplete for processing purposes. The Within 45 days of receiving the application, the
10 Division shall notify the applicant in writing that:

- 11 (i) the application as submitted is complete and complete, specifying the
12 completeness date, date;
13 (ii) the application is incomplete, requesting additional information necessary to
14 make the application complete, and specifying the deadline date by which the
15 requested information is to shall be received by the Division, Division to
16 determine the application as complete; or
17 (iii) the application is incomplete incomplete, requesting that the applicant rewrite and
18 resubmit the application.

19 If the Division does not notify the applicant in writing within 45 days of receipt of the an
20 accepted application that the application is incomplete, the application shall be deemed
21 complete. A completeness determination shall not prevent the Director from requesting
22 additional information at a later date later in the review process if such information is
23 necessary to properly evaluate the source, its air pollution abatement equipment, or the
24 facility. If the applicant has not provided the requested additional information by the date
25 specified in the letter requesting additional information, information pursuant to Subpart
26 (ii) of this Part, the Director shall cease processing the application until additional
27 information is provided. The applicant may request a time extension for submittal of the
28 requested additional information.

29 (C) ~~The Division shall determine within 60 days of receipt of a complete application if any~~
30 ~~additional information is needed to conduct the technical review of the application. A~~
31 ~~technical completeness determination shall not prevent the Director from requesting~~
32 ~~additional information at a later date if such information is necessary to properly evaluate~~
33 ~~the source, its air pollution abatement equipment, or the facility. The Division shall~~
34 ~~complete the technical review within 120 days of receipt of a complete application or 10~~
35 ~~days after receipt of requested additional information, whichever is later.~~

36 (D)(C) The Director shall:

1 (i) ~~send~~ publish the draft permit ~~to~~ for public notice within 120 days after receipt of
2 a complete application or 10 days after receipt of requested additional
3 information, whichever is later; and

4 (ii) complete the review of the record and take final action on the permit within 30
5 days after the close of the public comment period.

6 ~~(E)(D)~~ If the draft permit is required to go to public hearing as a result of a request for public
7 hearing pursuant to 15A NCAC 02Q .0306 or .0307, ~~.0307(e)~~, the Director shall:

8 (i) send the draft permit to public hearing within 45 days after approving the request
9 for the public hearing; and

10 (ii) complete the review of the record and take final action on the permit within 30
11 days after the close of the public hearing.

12 The days that fall between sending out a written notification requesting additional information and receiving that
13 additional information shall not be counted in the schedules pursuant to this Paragraph.

14 ~~(b) The days that fall between sending out a written notification requesting additional information and receiving that~~
15 ~~additional information shall not be counted in the schedules pursuant to Paragraph (a) of this Rule.~~

16 (b) For permit modification applications reviewed pursuant to this Section, the Division shall adhere to the processing
17 schedule of this Paragraph.

18 (1) The Division shall send written acknowledgement of receipt and acceptance or non-acceptance of
19 permit modification applications using the procedures and timelines Part (a)(1)(A) or (a)(3)(A) of
20 this Rule, as applicable.

21 (2) For permit modification applications that are accepted for processing by the Division pursuant to
22 Subparagraph (1) of this Paragraph, the Division shall notify the applicant of the completeness
23 determination of the application using the procedures and timelines of Part (a)(1)(B) or (a)(3)(B) of
24 this Rule, as applicable.

25 (3) Within 90 calendar days of the application completeness date pursuant to Subparagraph (2) of this
26 Paragraph, the Director shall take one of the following actions:

27 (A) If the draft permit is not required to go to public notice or to public hearing, the Director
28 shall issue or deny the permit.

29 (B) If the draft permit is required to go to public notice with an opportunity to request a public
30 hearing pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall publish the draft
31 permit for public notice within 90 calendar days of receipt of a complete application, and
32 shall complete the review of the record and take final action on the permit within the
33 timeline specified in Subpart (a)(1)(D)(ii) or (a)(3)(C)(ii) of this Rule, as applicable.

34 (4) If the draft permit is required to go to public hearing as a result of a request for public hearing
35 pursuant to 15A NCAC 02Q .0306 or .0307, the Director shall follow the procedures and timelines
36 of Part (a)(1)(E) or (a)(3)(D) of this Rule, as applicable.

37 (c) The Director shall cease processing an application that contains insufficient information to complete the review.

1
2 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.108;*
3 *Eff. February 1, 1995;*
4 *Amended Eff. July 1, 1998;*
5 *Readopted Eff. April 1, ~~2018~~2018;*
6 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
7 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*
8 *Protection Agency has approved the amended rule into the North Carolina State Implementation*
9 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)*
10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0503

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1)(ii), line 12, add a comma after "miles." On line 14, did you intend to cite "(5)" or "(4)?"

In (2), lines 16-17, beginning with "contains" through "with" was not published in the Register. Was this language added post-publication due to public comments? Why does this additional language not constitute a "substantial change?"

In (4), line 24, consider replacing "has assumed" with "has accepted" for clarity.

In (6), line 29, consider replacing "reasonably" with "foreseeably" or "reasonably foreseeable."

On pg. 2, (8), lines 13-14, delete the comma after "devices" in both lines and add a comma after "year" in line 13.

In (17)(a), lines 35-36, "15A NCAC 02Q .0500" should be replaced with "the rules of Section .0500 of this Subchapter."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0503 amended with changes as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0503 DEFINITIONS**

4 For the purposes of this Section, the definitions in G.S. 143-212, G.S. 143-213, 15A NCAC 02Q .0103, and the
5 following definitions apply:

- 6 (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction
7 are:
8 (a) contiguous to North Carolina and located less than $D=Q/12.5$ from the facility, where:
9 (i) Q = emissions of the pollutant emitted at the highest permitted rate in tons per
10 year, and
11 (ii) D = distance from the facility to the contiguous state or local air pollution control
12 agency in miles unless the applicant can demonstrate that the ambient impact in
13 the contiguous states or local air pollution control agencies is less than the
14 incremental ambient levels in 15A NCAC 02D .0532(c)(5); or
15 (b) within 50 miles of the permitted facility.
16 (2) "Complete application" means an application that contains all information required by statute,
17 regulation, and application form, consistent with~~is administratively complete, as defined in~~ G.S.
18 143-213, and provides all information described in 40 CFR 70.5(c) and such other information that
19 is necessary to determine compliance with all applicable federal and State requirements.
20 (3) "Draft permit" means the version of a permit that the Division offers for public participation
21 pursuant to 15A NCAC 02Q .0521 or affected state review pursuant to 15A NCAC 02Q .0522.
22 (4) "Emissions allowable under the permit" means an emissions limit, including a work practice
23 standard, established by a federally enforceable permit term or condition, or a federally enforceable
24 emissions cap that the facility has assumed to avoid an applicable requirement to which the facility
25 would otherwise be subject.
26 (5) "Final permit" means the version of a permit that the Director issues that has completed all review
27 procedures required pursuant to this Section if the permittee does not file a petition pursuant to
28 Article 3 of G.S. 150B that is related to the permit.
29 (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack,
30 chimney, vent, or other functionally-equivalent opening.
31 (7) "Insignificant activities because of category" means:
32 (a) mobile sources;
33 (b) air-conditioning units used for human comfort that are not subject to applicable
34 requirements pursuant to Title VI of the federal Clean Air Act and do not exhaust air
35 pollutants into the ambient air from any manufacturing or other industrial process;
36 (c) ventilating units used for human comfort that do not exhaust air pollutants into the ambient
37 air from any manufacturing or other industrial process;

- (d) heating units used for human comfort that have a heat input of less than 10,000,000 Btu per hour and that do not provide heat for any manufacturing or other industrial process;
- (e) noncommercial food preparation;
- (f) consumer use of office equipment and products;
- (g) janitorial services and consumer use of janitorial products;
- (h) internal combustion engines used for landscaping purposes;
- (i) new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and
- (j) demolition and renovation activities covered solely pursuant to 40 CFR Part 61, Subpart M.
- (8) "Insignificant activities because of size or production rate" means any activity whose emissions would not violate any applicable emissions standard and whose potential emission of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, are each no more than five tons per year and whose potential emissions of hazardous air pollutants before air pollution control devices, are each below 1000 pounds per year.
- (9) "Minor facility" means any facility that is not a major facility.
- (10) "Operation" means the use of equipment that emits regulated pollutants.
- (11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- (12) "Permit revision" means any permit modification pursuant to 15A NCAC 02Q .0515, .0516, or .0517 or any administrative permit amendment pursuant to 15A NCAC 02Q .0514.
- (13) "Proposed permit" means the version of a permit that the Director proposes to issue and forwards to EPA for review pursuant to 15A NCAC 02Q .0522.
- (14) "Responsible official" means a responsible official as defined in 40 CFR 70.2.
- (15) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes shall not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements.
- (16) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures of this Section except that the potential to emit is restricted by one or more federally enforceable physical or operational limitations, including air pollution control equipment and restrictions on hours of operation, the type or amount of material combusted, stored, or processed, or similar parameters.
- (17) "Timely" means:
- (a) for a new facility or newly subject facility, 12 months from the date that the facility or source becomes subject to the Title V operating permit program pursuant to 15A NCAC 02Q .0500;

- 1 (b) for renewal of a permit previously issued pursuant to this Section, six months before the
2 expiration of that permit;
- 3 (c) for a minor modification pursuant to 15A NCAC 02Q .0515, before commencing the
4 modification;
- 5 (d) for a significant modification pursuant to 15A NCAC 02Q .0516 where the change would
6 not contravene or conflict with a condition in the existing permit, 12 months after
7 commencing operation;
- 8 (e) for reopening for cause pursuant to 15A NCAC 02Q .0517, as specified by the Director in
9 a request for additional information by the Director;
- 10 (f) for requests for additional information, as specified by the Director in a request for
11 additional information by the Director; or
- 12 (g) for modifications made pursuant to Section 112(j) of the federal Clean Air Act, 18 months
13 after EPA fails to promulgate a standard for that category of source pursuant to Section
14 112 of the federal Clean Air Act by the date established pursuant to Section 112(e)(1) or
15 (3) of the federal Clean Air Act.

16
17 *History Note:* *Authority G.S. 143-212; 143-213; 143-215.3(a)(1);*
18 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
19 *becomes effective, whichever is sooner;*
20 *Eff. July 1, 1994;*
21 *Amended Eff. July 1, 1996;*
22 *Temporary Amendment Eff. December 1, 1999;*
23 *Amended Eff. January 1, 2007; July 1, 2000;*
24 *Readopted Eff. April 1, 2018;*
25 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
26 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*
27 *Protection Agency has approved the amended rule into the North Carolina State Implementation*
28 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.);*
29 *September 1, 2022.*
30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0505

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1)(a), line 7, please cite "15A NCAC 02Q .0203" instead of ".0200."

In (1)(d), line 13, and (2), line 15, .0520 uses "certified" instead of "signed". Please use language consistent with the cited rule or law, if possible.

In (3), lines 17-18, .0520 says, a "responsible official shall certify..." Consider replacing "a letter signed..." to be consistent with the language of the cited Rule.

In (4), line 20, please cite "15A NCAC 02Q .0203" instead of ".0200".

In line 20, consider adding a comma after "letter" and after "buyer." Also, delete "and."

In (5), line 26, .0514 uses the word "amendment" instead of "changes". I'm satisfied with "changes" if that's what you prefer.

On lines 26-27, .0520 uses "certified" instead of "signed." In lines 27-28, consider making "change" plural.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0505 is amended as published in 39:13 NCR 791 as follows:

3 **15A NCAC 02Q .0505 APPLICATION SUBMITTAL CONTENT**

4 If an applicant does not submit the following information with its application package, the application package shall
5 not be accepted by the Division for processing; returned:

- 6 (1) for new facilities and modified facilities:
- 7 (a) an application fee as required pursuant to 15A NCAC 02Q .0200;
- 8 (b) a consistency determination as required pursuant to 15A NCAC 02Q ~~.0507(d)(1);~~
9 .0507(d)(1) or the documentation required pursuant to 15A NCAC 02Q .0507(d)(2);
- 10 ~~(c) — the documentation required pursuant to 15A NCAC 02Q .0507(d)(2);~~
- 11 ~~(d)(c)~~ (c) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q
12 .0507(d)(3) if required; and
- 13 ~~(e)(d)~~ (d) applications submitted as required pursuant to 15A NCAC 02Q .0507(a), signed as
14 required by 15A NCAC 02Q .0520;
- 15 (2) for renewals: applications ~~as required pursuant to 15A NCAC 02Q .0507(a),~~ signed as required by
16 15A NCAC 02Q .0520;
- 17 (3) for a name change: a letter signed by a responsible official in accordance with 15A NCAC 02Q
18 .0520 indicating the current facility name, the date on which the name change will occur, and the
19 new facility name;
- 20 (4) for an ownership change: an application fee as required pursuant to 15A NCAC 02Q .0200; and a
21 letter bearing the signature of both the seller and buyer and containing a written agreement with a
22 specific date for the transfer of permit responsibility, coverage, and liability between the current and
23 new permittee; and
- 24 (5) for corrections of typographical errors; changes of the name, address, or telephone number of an
25 individual identified in the permit; changes in test dates or construction dates; or similar ~~minor~~
26 ~~changes;~~ administrative changes pursuant to 15A NCAC 02Q .0514; a letter signed by a responsible
27 official in accordance with 15A NCAC 02Q .0520 describing the proposed change and explaining
28 the need for the proposed change.

29

30 *History Note: Authority G.S. 143-215.3(a)(1),(1a); 143-215.107(a)(10); 143-215.108;*
31 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
32 *becomes effective, whichever is sooner;*
33 *Eff. July 1, 1994;*
34 *Amended Eff. April 1, 2004;*
35 *Readopted Eff. April 1, 2018;*
36 *Amended Eff. September 1, 2023; September 1, 2022.*

Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0507

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 9, "15A NCAC 02Q .0500" should be replaced with "the rules of Section .0500 of this Subchapter."

In (b), line 16, was "may" or "shall" intended?

On lines 16-17, "15A NCAC 02Q .0400" should be replaced with "the rules of Section .0400 of this Subchapter."

On pg. 2, (f), line 6, how does "15A NCAC 02D .0530, .0531, or .0532" require permits? I have the same question about "15A NCAC 02Q .0400" as that Section deals with "Acid Rain Procedures."

In (g), line 7, what does "shall give priority" mean? How will this be practically applied?

In (h), where in Section .0200 is this defined? Did you intend to cite .0203(d)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0507 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0507 APPLICATION**

4 (a) Except for:

- 5 (1) minor permit modifications covered pursuant to 15A NCAC 02Q .0515;
- 6 (2) significant modifications covered pursuant to 15A NCAC 02Q .0516(c); or
- 7 (3) renewals submitted pursuant to 15A NCAC 02Q .0513;

8 the owner or operator of a new or existing source shall have 12 months after the facility or source becomes subject to
9 the Title V operating permit program pursuant to 15A NCAC 02Q .0500 to file a complete application for a permit or
10 permit revision. However, the owner or operator of a source shall not begin construction or operation of a source until
11 he or she has obtained a construction and operation permit pursuant to 15A NCAC 02Q .0501(b) or (c) and 15A
12 NCAC 02Q .0504.

13 (b) An application shall include the information described in 40 CFR 70.3(d) and 70.5(c), including a list of
14 insignificant activities because of size or production rate but not including insignificant activities because of category.
15 An application shall be certified by a responsible official for truth, accuracy, and completeness. In an application
16 submitted pursuant to this Rule, the applicant may attach copies of applications submitted pursuant to 15A NCAC
17 02Q .0400 or 15A NCAC 02D .0530 or .0531 if the information in those applications contains information required
18 in this Section and is current, accurate, and complete.

19 (c) Application for a permit, permit revision, or permit renewal shall be made in accordance with 15A NCAC 02Q
20 .0104 on forms of the Division and shall include plans and specifications with complete data and information as
21 required by this Rule. If the information provided on these forms does not describe the source or its air pollution
22 abatement equipment to the extent necessary to evaluate the application, the Director shall request that the applicant
23 provide other information necessary to evaluate the source and its air pollution abatement equipment.

24 (d) ~~Along with filing a complete application, the applicant shall also file the following:~~ The application shall contain
25 a zoning consistency determination, financial qualification demonstration, and substantial compliance statement as
26 specified in Subparagraphs (1) through (3) of this Paragraph.

27 (1) for a new facility or an expansion of existing facility, a consistency determination in accordance
28 with G.S. 143-215.108(f) that:

- 29 (A) bears the date of receipt entered by the clerk of the local government; or
- 30 (B) consists of a letter from the local government indicating that zoning or subdivision
31 ordinances are met by the facility;

32 (2) for a new facility or an expansion of an existing facility in an area without zoning, an affidavit and
33 proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113; and

34 (3) if required by the Director, information showing that:

- 35 (A) the applicant is financially qualified to carry out the permitted activities; or
- 36 (B) the applicant has substantially complied with the air quality and emissions standards
37 applicable to any activity in which the applicant has previously been engaged and has been
38 in substantial compliance with federal and State environmental laws and rules.

- (e) An applicant who fails to submit relevant facts or submits incorrect information in a permit application shall, upon becoming aware of the failure or incorrect submittal, submit supplementary facts or corrected information to resolve the deficiency. In addition, an applicant shall provide additional information to address requirements to which the source becomes subject after the date the applicant filed a complete application but prior to release of a draft permit.
- (f) The submittal of a complete permit application shall not affect the requirement that a facility have a permit pursuant to 15A NCAC 02D .0530, .0531, or .0532 or pursuant to 15A NCAC 02Q .0400.
- (g) The Director shall give priority to permit applications containing early reduction demonstrations pursuant to Section 112(i)(5) of the federal Clean Air Act. The Director shall take final action on these permit applications after receipt of the complete permit application.
- (h) Except as specified in 15A NCAC 02Q ~~.0203(i)~~, .0203(l), a non-refundable permit application processing fee, defined in 15A NCAC 02Q .0200, shall accompany the application. ~~The permit application shall be deemed incomplete until the permit application processing fee is received.~~
- (i) The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1997; July 1, 1996; February 1, 1995;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. September 1, 2015; April 1, 2004; July 1, 2000;
Readopted Eff. April 1, 2018;
Amended Eff. Month DD, YYYY; September 1, 2023; September 1, 2022.
Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental Protection Agency has approved the amended rule into the North Carolina State Implementation Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0515

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(2), line 6, please delete or define "significant."

In (4), line 12, add a comma after "requirement" and delete "that". Consider replacing "has assumed" with "has accepted the modifications."

In (4)(A), line 14, consider replacing "assumed" with "accepted."

In (b)(5), line 32, and elsewhere in this Rule, add "the" before "EPA."

On pg. 2, (e), line 17, add "the" before "issuance."

In line 20, consider replacing "concurrence with" with "approval by."

In (f), line 30, add "or her" after "his."

On pg. 3, (h), line 2, consider beginning with, "If the only State-enforceable..." "15A NCAC 02Q .0300" should be replaced with "the rules of Section .0300 of this Subchapter."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0515 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0515 MINOR PERMIT MODIFICATIONS**

4 (a) The procedures set out in this Rule shall apply to permit modifications if the modifications:

- 5 (1) do not violate any applicable requirement;
- 6 (2) do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements
7 in the permit;
- 8 (3) do not require or change a case-by-case determination of an emission limitation or other standard, a
9 source-specific determination for temporary sources of ambient impacts, or a visibility or increment
10 analysis;
- 11 (4) do not seek to establish or change a permit term or condition for which there is no corresponding
12 underlying applicable requirement and that the facility has assumed to avoid an applicable
13 requirement to which the facility would otherwise be subject. Such terms and conditions include:
 - 14 (A) a federally enforceable emissions cap assumed to avoid an applicable requirement pursuant
15 to any provision of Title I of the federal Clean Air Act; or
 - 16 (B) an alternative emissions limit approved as part of an early reduction plan submitted
17 pursuant to Section 112(i)(5) of the federal Clean Air Act;
- 18 (5) are not modifications pursuant to any provision of Title I of the federal Clean Air Act; and
- 19 (6) are not required to be processed as a significant modification pursuant to 15A NCAC 02Q .0516.

20 (b) In addition to the items required pursuant to 15A NCAC 02Q .0505, an application requesting the use of the
21 procedures set out in this Rule shall include:

- 22 (1) an application form including:
 - 23 (A) a description of the change;
 - 24 (B) the emissions resulting from the change; and
 - 25 (C) identification of any new applicable requirements that will apply if the change occurs;
- 26 (2) a list of the facility's other pending applications awaiting group processing and a determination of
27 whether the requested modification, aggregated with these other applications, equals or exceeds the
28 thresholds set out in Subparagraphs (c)(1) through (3) of this Rule;
- 29 (3) the applicant's suggested draft permit;
- 30 (4) certification by a responsible official that the proposed modification meets the criteria for using the
31 procedures set out in this Rule and a request that these procedures be used; and
- 32 (5) complete information for the Director to use to notify EPA and affected states.

33 (c) The Director ~~shall~~ may use group processing for minor permit modifications processed pursuant to this Rule. The
34 Director shall notify EPA and affected states of the requested permit revisions pursuant to this Rule and shall provide
35 the information specified in 15A NCAC 02Q .0522 on a quarterly basis. If the aggregated emissions from all pending
36 minor permit modifications equal or exceed:

- 37 (1) 10 percent of the emissions allowed for the source for which the change is requested;

(2) 20 percent of the applicable definition of major facility; or

(3) five tons per year,

then the Director shall notify EPA and affected states within five business days of the requested permit revision pursuant to this Rule and provide the information specified in 15A NCAC 02Q .0522.

(d) Within 90 calendar days after of receiving a complete an application for a minor permit modification that is accepted by the Division for processing, that exceeds the thresholds in Subparagraphs (c)(1), (2), or (3) of this Rule or 15 days after the end of EPA's 45 day review period, whichever is later, the Director shall: shall take one of the following actions:

(1) issue the permit modification as proposed; and transmit the proposed permit to EPA for a review period of 45 days. The effective date of the modified permit shall be 60 days after the issuance date unless EPA objects in writing to the modified permit as proposed, in which case the procedures of Paragraph (e) of this Rule shall apply;

(2) deny the permit modification application; or

(3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q-.0516; or .0516.

(4) ~~revise the draft permit modification and transmit the proposed permit to EPA.~~

(e) If EPA objects in writing to issuance of a permit modification within its 45-day review period pursuant to Subparagraph (d)(1) of this Rule, the Director shall notify the permittee of EPA's objection. Within 15 days of the objection, the Division shall revise the draft permit modification and transmit to the EPA a revised proposed permit in response to EPA's objections. The revised permit modification shall be issued and effective upon concurrence with the EPA.

~~(e) If the thresholds in Subparagraphs (c)(1), (2), and (3) of this Rule are not exceeded, the Director shall, within 180 days after receiving a completed application for a permit modification or 15 days after the end of EPA's 45day review period, whichever is later:~~

~~(1) issue the permit modification as proposed;~~

~~(2) deny the permit modification application;~~

~~(3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q-.0516; or~~

~~(4) revise the draft permit modification and transmit the proposed permit to EPA.~~

(f) The permit applicant may make the change proposed in his minor permit modification application immediately after filing ~~the completed an~~ application with that is accepted by the Division. After the applicant makes the change, the facility shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Director takes one of the final actions specified in ~~Paragraph~~ Paragraphs (d) or (e) of this Rule. Between the filing of the permit modification application and the Director's final action, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the Director may enforce the terms and conditions of the existing permit that the applicant seeks to modify, as necessary to ensure protection of air quality.

1 (g) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not extend to minor permit modifications.

2 (h) If the State-enforceable only portion of the permit is revised, the procedures in 15A NCAC 02Q. 0300 shall be
3 followed.

4 (i) The proceedings shall affect only those parts of the permit related to the modification.
5

6 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

7 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
8 *becomes effective, whichever is sooner;*

9 *Eff. July 1, 1994;*

10 *Amended Eff. July 1, 1997;*

11 *Readopted Eff. April 1, 2018.*

12 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*
13 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*
14 *Protection Agency has approved the amended rule into the North Carolina State Implementation*
15 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)*
16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0525

DEADLINE FOR RECEIPT: April 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Throughout this Rule, please specify if you intend for the "days" to be "calendar" or "business" days.

On pg. 2, (3), line 3, do you need to include "shall not be necessary for, and the completeness determination provisions"? It appears unnecessary.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Rules Review Commission Counsel
Submitted to Agency on March 28, 2025

1 15A NCAC 02Q .0525 is amended as published in 39:13 NCR 791 as follows:

2
3 **15A NCAC 02Q .0525 APPLICATION PROCESSING SCHEDULE**

4 (a) The Division shall adhere to the following schedule in processing permit applications:

5 (1) Within 10 days of receiving an application, the ~~The~~ Division shall send the applicant written
6 ~~acknowledgment of receipt of an application to the applicant within 10 days of receipt of the~~
7 ~~application. that the application was received. The acknowledgement letter shall also state whether~~
8 ~~the application was accepted for processing pursuant to Part (A) of this Subparagraph, or the~~
9 ~~application is not accepted for processing pursuant to Part (B) of this Subparagraph.~~

10 (A) For an application that contains the minimum processing elements of 15A NCAC 02Q
11 .0505 and .0507, the acknowledgement letter shall state that the application is accepted by
12 the Division for processing; and

13 (B) For an application that does not contain the minimum processing elements of 15A NCAC
14 02Q .0505 and .0507, the acknowledgement letter shall state that the application is not
15 accepted for processing, indicate the application elements of 15A NCAC 02Q .0505 or
16 .0507 that are missing from the application package, and request that the applicant resubmit
17 the application package.

18 (2) For applications accepted by the Division pursuant to Part (a)(1)(A) of this Rule, the ~~The~~ Division
19 ~~shall review all the permit application applications~~ within 60 days of receipt of the application to
20 determine whether the application is complete or incomplete. ~~A completeness determination shall~~
21 ~~not be necessary for minor modifications pursuant to 15A NCAC 02Q .0515.~~ The Division shall
22 notify the applicant ~~by letter;~~ in writing that:

23 ~~(a)(A) stating that the application as submitted is complete and complete,~~ specifying the
24 completeness date;

25 ~~(b)(B) stating that the application is incomplete, requesting additional information necessary to~~
26 make the application complete, conduct the technical review of the application; and
27 specifying the date by which the requested information ~~is required to shall~~ be received by
28 the ~~Division;~~ Division; or

29 ~~(c)(C) stating that the application is incomplete and incomplete,~~ requesting that the applicant
30 rewrite and resubmit the application.

31 If the Division does not notify the applicant by letter dated within 60 days of receipt of the
32 application that the application is incomplete, the application shall be deemed complete. ~~A~~
33 ~~completeness determination shall not prevent the Director from requesting additional information~~
34 ~~at a later date if such information is necessary to properly evaluate the source, its air pollution~~
35 ~~abatement equipment, or the facility. If the applicant has not provided the requested additional~~
36 ~~information by the date specified in the letter requesting additional information, the Director shall~~

~~cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.~~

~~(3) A completeness determination shall not be necessary for, and the completeness determination provisions specified in Subparagraph (a)(2) of this Rule shall not apply to minor modifications submitted pursuant to 15A NCAC 02Q .0515.~~

~~(4) For all permit application types, a completeness determination shall not prevent the Director from requesting additional information later in the review process if such information is necessary to evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.~~

~~(3) The Division shall complete the technical review of significant modifications received pursuant to 15A NCAC 02Q .0516 in accordance with 40 CFR 70.7(e)(4)(ii).~~

~~(4) The Division shall provide for public participation in accordance with 15A NCAC 02Q .0521. If a public hearing is requested and approved by the Director for a draft permit, it shall be held within 45 days of the Director's decision to hold a public hearing.~~

~~(5) The Director shall complete the review of the record and send the proposed permit to EPA and affected states in accordance with 15A NCAC 02Q .0522.~~

~~(6) Final permit action shall be taken in accordance with 15A NCAC 02Q .0518.~~

(b) In addition to the schedule in Paragraph (a) of this Rule, the Division shall adhere to the following timelines when processing applications for permit revisions:

(1) For minor modification applications received pursuant to 15A NCAC 02Q .0515, the Division shall complete the review and take action on the permit application pursuant to 15A NCAC 02Q .0515(d) and (e).

(2) The Division shall complete the technical review of significant modifications received pursuant to 15A NCAC 02Q .0516 in accordance with 40 CFR 70.7(e)(4)(ii). Within 270 calendar days of receipt of a complete application for a significant permit modification pursuant to 15A NCAC 02Q .0516, the Division shall complete the review of the application and either issue the modified permit, deny the modified permit, or publish the modified permit for public notice and comment.

(3) For applications for permit revisions that are not minor modifications pursuant to 15A NCAC 02Q .0515 or significant modifications pursuant to 15A NCAC 02Q .0516, the application shall be reviewed pursuant to 15A NCAC 02Q .0514 or .0517, as applicable.

(c) The Division shall provide for public participation in accordance with 15A NCAC 02Q .0521. If a public hearing is requested and approved by the Director for a draft permit, it shall be held within 45 days of the Director's decision to hold a public hearing.

1 (d) The Director shall complete the review of the record and send the proposed permit to EPA and affected states in
2 accordance with 15A NCAC 02Q .0522.

3 (e) Final permit action shall be taken in accordance with 15A NCAC 02Q .0518.
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6 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

7 *Eff. February 1, 1995;*

8 *Amended Eff. July 1, 1998;*

9 *Readopted Eff. April 1, 2018;*

10 *Amended Eff. September 1, ~~2022~~2022;*

11 *Amended Eff. (Pending On the first day of a month that is 60 days after the Secretary of the*

12 *Department of Environmental Quality certifies to the Revisor of Statutes that the U.S. Environmental*

13 *Protection Agency has approved the amended rule into the North Carolina State Implementation*

14 *Plan, pursuant to S.L. 2023-134, Section 12.11, as amended by S.L. 2024-1, Section 4.13.)*
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